

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

1999 Legislative Session

Bill No. _____ CB-50-1999

Chapter No. _____

Proposed and Presented by _____ Council Member Maloney

Introduced by _____ Council Member Maloney

Co-Sponsors _____

Date of Introduction _____ October 26, 1999

ZONING BILL

1 AN ORDINANCE concerning

2 People's Zoning Counsel

3 For the purpose of amending the Zoning Ordinance sections concerning duties of the office, to
 4 authorize appearance in certain administrative proceedings and intervention in court proceedings.

5 BY repealing and reenacting with amendments:

6 Section 27-139,

7 The Zoning Ordinance of Prince George's County, Maryland,
 8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1995 Edition, 1998 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 14 District in Prince George's County, Maryland, that Section 27-139 of the Zoning Ordinance of
 15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
 16 be and the same is hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 27. ZONING.**

18 **PART 3. ADMINISTRATION.**

19 **DIVISION 1. GENERAL ZONING PROCEDURES.**

20 **Subdivision 4. People's Zoning Counsel.**

Sec. 27-139. Powers and duties.

(a) Zoning cases.

(1) It shall be the duty of the People's Zoning Counsel to appear at all hearings on zoning cases (before the Council and Zoning Hearing Examiner) for the purpose of protecting the public interest and insuring the compilation of a complete record.

(2) The People's Zoning Counsel may summon, examine, and cross-examine witnesses, introduce documentary evidence into the record, file exceptions, and make argument to the Hearing Examiner or the Council as the law and the evidence in the case may warrant.

(b) Comprehensive Design Plans.

(1) The People's Zoning Counsel shall participate in the review of all Comprehensive Design Plans filed with the Planning Board and its staff, for the purpose of protecting the public interest and insuring the compilation of a complete record on needed public facilities.

(2) The People's Zoning Counsel may summon, examine, and cross-examine witnesses before the Planning Board during its consideration of a Comprehensive Design Plan, and may introduce documentary evidence into the record.

(3) Within fourteen (14) days after the Planning Board files its decision on a Comprehensive Design Plan with the Clerk of the Council, the People's Zoning Counsel shall file with the Clerk an opinion as to the public facilities needs and the extent to which the Comprehensive Design Plan conforms with the approved Basic Plan.

(c) Site Plans; Subdivision Plans.

(1) The People's Zoning Counsel shall participate in the review of all site plans, including without limitation Conceptual Site Plans, Detailed Site Plans, Comprehensive Design Plans, and Specific Design Plans, for the purpose of protecting the public interest and making a complete administrative record.

(2) The People's Zoning Counsel may participate in the review of cluster subdivision plans and all subdivision plans using mitigation findings or conditions, for the purpose of protecting the public interest and making a complete administrative record.

(3) The People's Zoning Counsel may summon, examine and cross-examine witnesses before the Planning Board during its consideration or review of any site plan, cluster subdivision plan or subdivision plan using mitigation findings or conditions. The People's Zoning Counsel may also introduce documents or other evidence before the Planning Board.

1 **(d) Intervention in judicial proceedings.**

2 (1) Whenever a party in a case before the District Council files an appeal to a circuit
 3 court or an appellate court and subject to the court rules, the People's Zoning Counsel may
 4 participate as an intervenor in all appeal proceedings. The purpose of any such appearance shall
 5 be to protect the public interest and to ensure that the facts in the administrative record and the
 6 applicable law are fully and fairly presented to the reviewing court.

7 **(e) Expert witnesses.**

8 (1) In any administrative or judicial proceeding in which he or she appears, the
 9 People's Zoning Counsel may retain and may call as witnesses persons recognized as experts in
 10 the fields of zoning, land use planning, traffic planning or engineering, landscape architecture,
 11 economics or business activity, or any other field whose subject matter is relevant to factual
 12 issues raised in the proceeding.

13 (2) The People's Zoning Counsel may retain expert witnesses and may compensate
 14 them to the extent that the County Council specifically approves a budget item for such
 15 witnesses in each budget year.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this _____ day of _____, 1999.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.